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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

S1 12 Cr. 171 (JPO)

5 PAVEL POZNANSKY, et al.,

6 Defendants.

8 December 21, 2012
10:15 a.m.

10 Before:

Sentence 4/24/13

11 HON. J. PAUL OETKEN,

District Judge

14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the
17 Southern District of New York

17 BY: NICHOLAS McQUAID

18 Assistant United States Attorney

19 RICHARD D. WILLSTATTER

20 ALEXANDRA V. TSEITLIN

21 Attorneys for Defendant

*accusment
Rest ~ 400k p.14
Guidelines 18-24 mos 14
No appeal 24 mos 20*

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1 THE DEPUTY CLERK: Your Honor, this is in the matter
2 of United States of America v. Pavel Poznansky.

3 Starting with the government, can I have counsel state
4 their appearance for the record.

5 MR. McQUAID: Good morning, Judge. Nick McQuaid for
6 the government.

7 THE COURT: Good morning.

8 MR. WILLSTATTER: Good morning. Richard Willstatter
9 and Alexander Tseitlin for the defendant.

10 MS. TSEITLIN: Good morning, your Honor.

11 THE COURT: Good morning. You may be seated. If you
12 all would please speak into the mike so the court reporter --
13 and speak slowly so the court reporter can get everything down.

14 Mr. -- is it Poznansky? Am I saying it right?

15 THE DEFENDANT: Correct.

16 THE COURT: You speak and understand English, correct.

17 THE DEFENDANT: Yes.

18 THE COURT: Mr. Poznansky, did you sign this waiver of
19 indictment form?

20 THE DEFENDANT: Yes, I did.

21 THE COURT: Did you discuss it with your attorney
22 before you signed it?

23 THE DEFENDANT: Yes, I did.

24 THE COURT: Do you understand that you are under no
25 obligation to waive indictment?

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1 THE DEFENDANT: Yes, I do.

2 THE COURT: If you chose not to waive indictment, in
3 order for the government to prosecute you on the superseding
4 indictment, the one count in the superseding information, it
5 would have to present its case to the grand jury, which might
6 or might not return an indictment against you.

7 Do you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: Do you understand that by signing the
10 waiver of indictment, you are giving up your right to be
11 presented to the grand jury?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you understand what a grand jury is?

14 THE DEFENDANT: Yes, I do.

15 THE COURT: I find the defendant has knowingly and
16 voluntarily waived his right to be indicted by a grand jury
17 with respect to the superseding information.

18 Have you seen a copy of the information?

19 THE DEFENDANT: Yes.

20 THE COURT: The superseding information?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you understand the charges against you,
23 the charge against you?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: Would you like me to read the charge now

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1 or do you waive its public reading?

2 THE DEFENDANT: I waive it.

3 MR. WILLSTATTER: Your Honor, with respect to the
4 information, I wanted to bring to the court's attention that
5 the overt act will be admitted insofar as Mr. Poznansky treated
6 an undercover officer in furtherance of the conspiracy, but I
7 want to call the court's attention to the actual language of
8 the overt act which is provided unnecessary and excessive
9 acupuncture treatment. We just got this the other day, and I
10 didn't see this, but the theory that the parties, or at least
11 the defendant is going to admit in furtherance of the
12 conspiracy is that services with respect to this overt act were
13 billed but were not provided, some of the services were billed
14 but not provided. Remember the discussion with Mr. Haifitz
15 about the bill of particulars, where he talked about unprovided
16 services versus unnecessary services.

17 THE COURT: Yes.

18 MR. WILLSTATTER: In this particular case, these
19 were -- it was billing that was for services that were not
20 provided. Some of the services were provided that day, some
21 were not. There was a bill for more. That was in furtherance
22 of the conspiracy. The parties agree that that is, I think,
23 that is sufficient as far as that overt act is concerned.

24 MR. McQUAID: Judge, I think two points. One is I
25 think under the law with conspiracy, it is well settled that

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1 you don't even have to have an illegal overt act for it to be
2 an overt act. So any act in furtherance is sufficient. There
3 is no dispute that this was an act in furtherance of the
4 conspiracy that defendant is going to admit to.

5 With respect to the excessive and unnecessary
6 language, first of all, it is an allegation and doesn't
7 necessarily limit how the defendant wants to admit to the
8 conspiracy; but, more specifically, our view is, as we
9 expressed last week or two weeks ago when we were in front of
10 your Honor that we are talking about same thing. The providing
11 of a bill for something that was not in fact provided is an
12 unnecessary excessive treatment. It is just how we choose to
13 characterize it. So I don't think there is any problem with
14 the allocution based on what Mr. Willstatter just proffered.

15 THE COURT: Okay. And you are in agreement that there
16 is no problem with respect to the overt act alleged in the
17 superseding information, Mr. Willstatter?

18 MR. WILLSTATTER: That is correct, your Honor.

19 THE COURT: So you have seen a copy of the
20 information, Mr. Poznansky?

21 THE DEFENDANT: Yes.

22 THE COURT: And you understand the charge against you?

23 THE DEFENDANT: Yes.

24 THE COURT: I think you said you waive the public
25 reading, yes?

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1 THE DEFENDANT: Yes.

2 THE COURT: How do you wish to plead today? Guilty or
3 not guilty.

4 THE DEFENDANT: Guilty.

5 THE COURT: Before I accept your plea, I am going to
6 go through a series of questions to satisfy myself that you are
7 pleading guilty because you are guilty and not for some other
8 reason. If you don't understand any question or if you want a
9 minute to talk to your attorneys, that's fine. Just let me
10 know and we will take a break. Please place the defendant
11 under oath.

12 (Defendant sworn)

13 THE COURT: Mr. Poznansky, you are now under oath.
14 That means if you answer any of my questions falsely, those
15 answers could be used against you in a separate prosecution for
16 perjury.

17 Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: Please state your full name.

20 THE DEFENDANT: Paul Poznansky.

21 THE COURT: Is it Pavel, P-A-V-E-L, or is it Paul?
22 You go by Paul?

23 THE DEFENDANT: I mean I change it to Paul.

24 THE COURT: You changed it to Paul. Okay.

25 How old are you?

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1 THE DEFENDANT: 53.

2 THE COURT: Sorry?

3 THE DEFENDANT: 53.

4 THE COURT: How far did you go in school?

5 THE DEFENDANT: Here in Dobb's Ferry, Upstate New
6 York.

7 THE COURT: How far along did you go?

8 THE DEFENDANT: It was 2000.

9 THE COURT: High school, college?

10 THE DEFENDANT: Master's degree.

11 THE COURT: Master's? What was the master's in?

12 THE DEFENDANT: In Oriental medicine.

13 THE COURT: And that was -- where was it? Dobb's
14 Ferry?

15 THE DEFENDANT: Westchester County.

16 THE COURT: Westchester? Okay.

17 THE DEFENDANT: Mercy College.

18 THE COURT: I'm sorry?

19 MR. WILLSTATTER: Mercy College.

20 THE COURT: Have you ever been treated or hospitalized
21 for any mental illness?

22 THE DEFENDANT: No.

23 THE COURT: Have you now or recently been under the
24 care of a doctor or psychiatrist?

25 THE DEFENDANT: No.

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1 THE COURT: Have you ever been hospitalized -- I'm
2 sorry, is your mind clear today?

3 THE DEFENDANT: Yes.

4 THE COURT: And you understand what's happening in
5 this proceeding?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: Do either counsel have any doubt as to
8 defendant's competence to plead?

9 MR. WILLSTATTER: No, your Honor.

10 MR. McQUAID: No, Judge.

11 THE COURT: Based on his responses to my questions and
12 his demeanor before me, I find the defendant is competent to
13 enter a plea of guilty at this time.

14 Have you had a sufficient opportunity to discuss your
15 case with your attorneys?

16 THE DEFENDANT: Yes.

17 THE COURT: And you have had a chance to discuss the
18 charge you intend to plead guilty to as well as any defenses to
19 the charge and the consequences of pleading guilty?

20 THE DEFENDANT: Yes.

21 THE COURT: And you are satisfied with their
22 representation of you?

23 THE DEFENDANT: Yes.

24 THE COURT: I am now going to explain certain
25 constitutional rights that you have, and I explain these

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1 because these are rights that you give up by pleading guilty.

2 Under the Constitution and laws of the United States,
3 you are entitled to a speedy and public trial on the charge
4 contained in the information. At that trial, you would be
5 presumed innocent and the government would be required to prove
6 you guilty beyond a reasonable doubt by competent evidence
7 before you could be found guilty. You would not have to prove
8 you were innocent. A jury of 12 people would have to agree
9 unanimously that you are guilty.

10 Do you understand that?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: At that trial and at every stage of the
13 case, you would be entitled to be represented by an attorney;
14 and if you could not afford one, one would be appointed to
15 represent you. During the trial, the witnesses for the
16 government would have to come to court and testify in your
17 presence, and your lawyer could cross-examine the witness for
18 the government and object to evidence offered by the government
19 and, if you desire, issue subpoenas, offer evidence, and compel
20 witnesses to testify on your behalf.

21 Do you understand that?

22 THE DEFENDANT: Yes, I do.

23 THE COURT: At a trial, although you would have the
24 right to testify if you chose to, you would also have the right
25 not to testify and no inference or suggestion of guilt could be

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1 drawn from the fact that you did not testify if that's what you
2 chose to do.

3 Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: If you were convicted at trial, you would
6 have the right to appeal that verdict.

7 Do you understand that?

8 THE DEFENDANT: Yes, yes, I do.

9 THE COURT: Even at this time right now, as you are
10 entering this plea, you do have the right to change your mind
11 and plead not guilty and go to trial.

12 Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: If you plead guilty and I accept your
15 plea, you would be giving up your right to the trial and the
16 other rights I have mentioned. There will be no trial.
17 Instead, I will enter a judgment of guilty on the one count in
18 the superseding information and then I will sentence you later
19 on the basis of your guilty plea after considering the
20 submissions by counsel and the probation department.

21 If you plead guilty, you will also have to give up
22 your right not to incriminate yourself because in a minute I am
23 going to ask you questions about what you did so that I can be
24 satisfied that you are pleading guilty because you really are
25 guilty and not for some other reason.

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1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: According to the superseding information,
4 you are charged with conspiracy under 18 U.S.C. 371. The
5 object of the conspiracy is to commit mail fraud and healthcare
6 fraud according to the information.

7 I will ask Mr. McQuaid, please, to proffer the
8 elements of that offense that the government would seek to
9 establish at trial.

10 MR. McQUAID: Judge, the elements of the conspiracy
11 under 18 U.S.C. 371 is that, first, that two or more persons
12 entered into an unlawful agreement as charged in the
13 information; second, that the defendant knowingly before he
14 fully became a member of the conspiracy; third, that one of the
15 members of the conspiracy knowingly committed at least one of
16 the overt acts alleged in the conspiracy -- in the information;
17 and that, fourth, that act was in furtherance of the
18 conspiracy.

19 Very quickly, the elements of healthcare fraud and
20 mail fraud, which are the specific violations of the United
21 States law that defendant is charged with having been a part of
22 a conspiracy to commit, for healthcare fraud it is that there
23 was a scheme to defraud a healthcare benefit program or to get
24 money from a healthcare benefit program; that the defendant
25 knowingly and willfully participated in the scheme with

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1 awareness of its fraudulent nature and with specific intent to
2 defraud; and that the scheme was conducted in connection with
3 delivery or payment for a healthcare benefit item for services.

4 For mail fraud, similar, either that, first, there was
5 a scheme or artifice to defraud; that the defendant knowingly
6 and willfully participated in the scheme or artifice with
7 knowledge of its fraudulent nature and with specific intent to
8 defraud; and, third, that executing the scheme the defendant
9 used or caused the use of the mails.

10 And, Judge, our offer of proof in this case would be
11 that we would prove beyond a reasonable doubt based on witness
12 testimony, medical records, documentary evidence, including
13 audio and video recordings and physical evidence, that the
14 defendant worked between 2007 and 2012 as an acupuncturist at
15 no fault clinics; and during his work at those clinics, the
16 defendant and others agreed to bill for medical treatments that
17 either were not provided or were medically unnecessary or both;
18 and that the bills for those treatments were sent to insurance
19 companies, some of whom were based in Manhattan; and that
20 payments were made based on those bills to the defendant and to
21 his coconspirators. And we would prove that his actions with
22 respect to conspiracy were knowing and willful and that in
23 September of 2011 that the defendant treated an undercover
24 officer in Brooklyn, New York, in furtherance of the
25 conspiracy.

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1 THE COURT: And that was November when?

2 MR. McQUAID: I think September 2011.

3 THE COURT: September 2011?

4 MR. McQUAID: September 2011.

5 THE COURT: Okay, thank you.

6 Mr. Poznansky, I asked the government to recite those
7 elements because if there were a trial, that's what I would be
8 instructing the jury they have to find beyond a reasonable
9 doubt, each of those elements, in order to find you guilty. So
10 I want to you understand that's what it would be like if you
11 did proceed to trial in terms of what I would be explaining to
12 the jury.

13 I also want to explain to you the maximum possible
14 penalty under the law, the statute in this case, the maximum
15 penalty is five years' imprisonment, three years' supervised
16 release. And when I say "supervised release," that means it is
17 a period of time after a release from any imprisonment where
18 you are subject to monitoring, and there are terms of
19 supervised release and conditions that you must comply with.
20 If you don't comply with them, you could be returned to prison
21 without a jury trial and you are given no credit for the time
22 you served in prison as a result of your sentence and no credit
23 for any time spent on post-release supervision also. That's
24 supervised release. The maximum fine under the law is the
25 greatest of \$250,000 or twice the total monetary gain from the

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1 offense or twice the total monetary loss to others from the
2 offense, and there is a \$100 special assessment which is
3 mandatory.

4 In addition, pursuant to the plea, there will be
5 restitution in an amount to be ordered by the court, and in
6 this case, according to the plea agreement, you would agree to
7 restitution in the amount of \$399,743.27, that is, that amount
8 of restitution as well as the forfeiture allegation, which
9 means that you agree to forfeit to the United States a sum of
10 money, the same amount \$399,743.27 representing the amount of
11 proceeds traceable to the offense charged in the information.

12 Are you a United States citizen, Mr. Poznansky?

13 THE DEFENDANT: Yes.

14 THE COURT: If you were not a United States citizen,
15 that would mean that it would be far easier for the government
16 to deport you. But if you are a U.S. citizen, it is not an
17 issue.

18 If your attorney or anyone else has attempted to
19 predict or promise what your sentence will be, that prediction
20 or promise could be wrong. That's because no one can give you
21 an assurance or promise of the sentence, because I am the one
22 who will decide on your sentence, and I'm not going to do that
23 today. I'm going to wait until I receive what's called a
24 presentence report prepared by the probation department which
25 has a lot of background information, and then I will consider

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1 any written submissions from your counsel and the government's
2 counsel and do my own independent calculation of the guideline
3 range and decide what is an appropriate sentence.

4 Do you understand that?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: And even if your sentence is different
7 from what your attorney or anyone has told you it might be or
8 different from what you expect, you will still be bound by your
9 guilty plea and will not be allowed to withdraw your plea of
10 guilty.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: Has anyone threatened you or forced you in
14 any way to plead guilty?

15 THE DEFENDANT: No.

16 THE COURT: I have a copy of a plea agreement in this
17 case. It is a letter dated December 19, with signatures under
18 the line -- over the line for Mr. Poznansky and Mr. Willstatter
19 with today's date.

20 Did you sign this plea agreement today?

21 THE DEFENDANT: Yes.

22 THE COURT: Did you discuss it with your attorney
23 before you signed it?

24 THE DEFENDANT: Yes, I did.

25 THE COURT: Do you believe you understood what was in

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1 the plea agreement when you signed it.

2 THE DEFENDANT: Yes.

3 THE COURT: Did you willingly sign the agreement?

4 THE DEFENDANT: Yes.

5 THE COURT: There is also an addendum, which is a
6 general release, for Kali Acupuncture, which relates to release
7 of insurance claims.

8 MR. WILLSTATTER: These are pending or future claims
9 for a colleague. This is a significant waiver on the part of
10 Mr. Poznansky because he could otherwise have argued that a
11 portion at least of some of those claims was lawfully earned by
12 him. So this waiver, in effect, is giving up of a significant
13 financial sum to the insurance companies.

14 THE COURT: Got it. Okay.

15 And you understand that you have signed this release
16 as described by your counsel, Mr. Poznansky?

17 THE DEFENDANT: Yes, I do.

18 THE COURT: Other than this release and the plea
19 agreement, is there any agreement or understanding you have
20 with the government that's been left out of those documents.

21 MR. WILLSTATTER: Only that, and we have discussed
22 this, that under the case law and a statute, defendant reserves
23 the right to apply for what's called restoration or
24 discretionary transfer of monies paid in forfeiture to be used
25 for restitution. The statute is 18 U.S.C. 981(e)(6). It is

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1 referenced in a recent decision from the United States Circuit
2 Court of Appeals for this circuit called United States v. Ana
3 Torres, which was from December 5. I don't have a cite because
4 I reviewed the case on the Circuit Web site.

5 THE COURT: Second Circuit?

6 MR. WILLSTATTER: Yes. Particularly, it cites a case
7 called Kalish, 626 F.3d. So those cases indicate that where
8 money is actually paid as opposed to theory, because in this
9 Ana Torres case, she didn't actually pay any money, the federal
10 defender said there should be restoration. The court said we
11 wouldn't -- we are not going to reach it because she hasn't
12 actually paid. In this case the information has a reference to
13 five accounts that are going to be forfeited that are on page
14 three of the information. Those accounts have more than 40,000
15 in them. So the defendant, again, is making a significant
16 concession that he is not going to argue that any of those
17 monies should be -- were lawfully earned and will agree to
18 forfeit those. But because the defendant has already made
19 these concessions of which I speak, we have -- we reserve the
20 right to apply to the Department of Justice because we
21 understand that the usual policy, at least during this
22 administration, is that they will apply forfeiture to make
23 whole to the extent possible the victims of a crime. So -- and
24 the reason I am bringing this up, I don't mean to belabor it,
25 is because the plea agreement provides that there is a separate

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1 amount for restitution and for forfeiture which is lawful, but
2 there is also another provision which we intend to pursue.

3 THE COURT: Okay. So that's not a separate agreement,
4 but it is something you want to make clear for the record that
5 under the law you may seek to pursue that restoration.

6 MR. WILLSTATTER: Exactly. And the reason I want to
7 make this clear is so that it is understood that the
8 concessions we are making and entering into this plea agreement
9 have been fully discussed with the defendant and he understands
10 all of the consequence of the guilty plea.

11 THE COURT: Understood.

12 Mr. McQuaid, is there anything you need to clarify or
13 add on that?

14 MR. McQUAID: No, Judge.

15 THE COURT: Thank you for clarifying that.

16 So just to ask you, subject to what your counsel,
17 Mr. Willstatter, has stated and the plea agreement we
18 referenced, is there any other agreement you have with the
19 government that has been left out of these documents or is that
20 everything in terms of your agree?

21 THE DEFENDANT: No, no.

22 MR. WILLSTATTER: I just want to add one thing, your
23 Honor. The Exhibit B that they reference, we actually haven't
24 seen that yet because we tried to do this very quickly, so we
25 expect to get that shortly. We just haven't seen it yet.

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1 MR. McQUAID: Judge, generally our practice is that we
2 will submit it to Mr. Willstatter, we will get it, there will
3 be a preliminary order of forfeiture, it will come to the
4 court, and then it will be presented before sentencing and that
5 will be a consent order that would come to your Honor.

6 THE COURT: Okay. That's okay with counsel?

7 MR. WILLSTATTER: That's fine. Just wanted to make it
8 clear.

9 THE COURT: Okay. I mentioned, Mr. Poznansky, that
10 the statutory maximum penalties, there is a law called the
11 statute that sets the maximum penalties, but there is also
12 something called the guidelines, sentencing guidelines which
13 sets forth an advisory range based on different types of
14 criminal offenses and criminal histories of the defendants, and
15 that is an advisory range. It is my starting point when I
16 sentence someone. But I can go above it or below it. It
17 doesn't bind me. But it is the starting point. It is kind of
18 advisory range based on, as I said, types of offenses and types
19 of criminal backgrounds. In this case, according to the plea
20 agreement, and it appears to be correct based on my
21 calculation, the guidelines stipulated range is 18 to 24
22 months' incarceration. There is a fine range that is separate
23 from restitution. There is find range of 4,000 to \$40,000.

24 You understand that the stipulation binds the
25 government and you, but not me, because I will make my own

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1 independent calculation about the guidelines. Do you
2 understand that?

3 THE DEFENDANT: Yes, I do.

4 THE COURT: Under the agreement, you are giving up
5 your right to appeal or otherwise challenge your sentence as
6 long as I have sentenced to you 24 months or less
7 incarceration, three years or less supervised release, and with
8 respect to the restitution that I order restitution of
9 \$399,743.27 or less.

10 Do you understand that?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: Has anyone made any promise or done
13 anything other than what's -- what we have discussed in the
14 plea agreement and the other agreement to induce to you plead
15 guilty today?

16 THE DEFENDANT: No.

17 THE COURT: Now, Mr. Poznansky, I would ask you if you
18 would tell me in your own words what you did that makes you
19 believe you are guilty of the charge in the information.

20 THE DEFENDANT: On or about and between 2008 and 2011,
21 I agreed with at least one other person to submit no fault
22 insurance claims for acupuncture services.

23 THE COURT: For acupuncture services.

24 THE DEFENDANT: Acupuncture services that I have not
25 actually performed.

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1 THE COURT: Actually performed. Okay, sorry.

2 THE DEFENDANT: I was an acupuncturist and I worked in
3 a no fault clinic in Brooklyn. Some of the bills that I
4 submitted to the insurance carriers contained claims for
5 services I did not perform. Some of the bills were mailed to
6 insurance carriers in Manhattan.

7 THE COURT: Okay. And do you also admit that in
8 September 2011, you provide either unnecessary or excessive or
9 I guess nonexistent treatment for which you then billed an
10 insurance company?

11 THE DEFENDANT: Yes.

12 THE COURT: Does government counsel agree that there
13 is a sufficient factual predicate for the plea?

14 MR. McQUAID: Yes, Judge.

15 THE COURT: I ask defense counsel.

16 MR. WILLSTATTER: Yes, your Honor.

17 THE COURT: Does defense counsel know of any valid
18 defense that would prevail at trial or any reason why your
19 client should not be permitted to plead guilty?

20 MR. WILLSTATTER: No, your Honor.

21 THE COURT: Mr. Poznansky, since you acknowledge that
22 you are in fact guilty as charged and since I am satisfied that
23 you know your rights, including your right to go to trial, and
24 you are aware of the consequences of the plea, including the
25 sentence that may be imposed, and since I find you are

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1 voluntarily pleading guilty, I accept your guilty plea and I
2 hereby enter a judgment of guilty on Count One of the
3 superseding information to which you are pleading guilty.

4 Now, the probation department will want to interview
5 you in connection with the presentence report that it will
6 prepare. As I said, I do read that report very carefully.
7 There is a lot of detail in it about you and about the nature
8 of the crime, and I take it very seriously. Each person is
9 different and so when you are interviewed, please make sure you
10 are truthful about everything. Not being truthful can have a
11 negative effect on your sentence. And you will have a chance
12 to review and make any corrections, so please speak with your
13 lawyers about any corrections you need to make in the draft of
14 the presentence report.

15 Now we just need to set the sentencing date.

16 THE COURT: Can we do April 24?

17 MR. WILLSTATTER: Okay.

18 THE COURT: April 24 at 2 p.m. and that will be in 40
19 Foley Square, which is the old courthouse, basically across
20 Pearl Street. In Courtroom 706 is where that will be. April
21 24 at 2:00 p.m. will be sentencing. Ordinarily I ask for any
22 sentencing submissions, assuming there is no delay in the
23 presentence report process, two weeks before -- defendant's
24 submission two weeks before sentencing, which is April 10, and
25 the government's submission, if any, due April 17.

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1 Any objection to the current bail conditions being
2 continued pending sentencing?

3 MR. McQUAID: No, Judge.

4 MR. WILLSTATTER: No, your Honor.

5 THE COURT: Okay. All the conditions, Mr. Poznansky,
6 on which you were released up till now continue to apply. Any
7 violation of those conditions could have a negative consequence
8 for the plea. If you have any questions about them, talk to
9 your lawyers. So I assume you will continue to comply with
10 those conditions.

11 It is also important that you be in this courtroom --
12 I'm sorry, in Courtroom 706, 40 Foley Square, on the date of
13 sentencing, April 24, at 2:00 p.m. If you don't show up for
14 sentencing, it is a separate crime known as bail jumping. Do
15 you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: Okay. I will see you then. Thank you
18 very much. Anything else that we need to cover?

19 MR. McQUAID: No, thank you, Judge.

20 MR. WILLSTATTER: Thank you. Have a good holiday.

21 - - -